

# LAND RECLAMATION COMMISSION

STATE OF MISSOURI

P.O. BOX 176

JEFFERSON CITY, MISSOURI 65102

573-751-4041

## Permit To Engage in Surface Mining

LAND RECLAMATION COMMISSION

ISSUES TO  
HAROLD LIBBERT

Pursuant to "The Land Reclamation Act," RSMo, 2001, and on conformity with the statements

In the application, a permit is hereby granted to engage in surface mining of  
sand & gravel in the state of Missouri. The extent of the

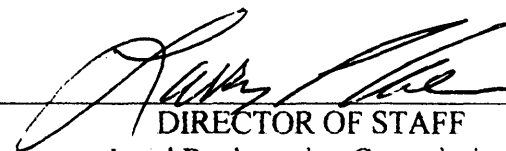
Proposed mining operation(s) will be on one acres, more or less.

The locations of the operation(s) under this permit is/are as follows: Renewal

County	Section	Township	Range	Acres Renewed	Acres New	Total Acres	Site/Stream Name	Site Number
Osage	08	41N	11W	1	0	1	Site #1/Sugar Creek	0677

This permit may be suspended or revoked upon violation of any or all of the conditions set forth in "The Land Reclamation Act," RSMo. 2001, or in such rules and regulations as are promulgated pursuant thereto by the Land Reclamation Commission.

IN WITNESS WHEREOF I have hereunto set my hand this 10th day of June 2004

  
DIRECTOR OF STAFF

Land Reclamation Commission

Permit No. 0714

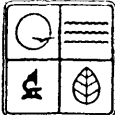
Effective Date 06/10/2004

Expiration Date 06/03/2005

MO 780-1122 (6-95)

# RECEIVED

JUN 9 - 2004



MISSOURI DEPARTMENT OF NATURAL RESOURCES  
LAND RECLAMATION COMMISSION  
**PERMIT RENEWAL FOR INDUSTRIAL MINERAL MINES**

MISSOURI LAND RECLAMATION COMMISSION  
P.O. BOX 176  
JEFFERSON CITY, MO 65102-0176

NAME OF CORPORATION, COMPANY, PARTNERSHIP OR INDIVIDUAL <b>HAROLD LIBBERT</b>		DATE <b>5-18-04</b>	
ADDRESS <b>302 N. Linn</b>	CITY <b>Meta</b>	STATE <b>MO</b>	ZIP CODE <b>65058</b>
CONTACT PERSON <b>Harold Libbert</b>		TELEPHONE NUMBER <b>573-229-4248</b>	

**FEES: COMPLETE SECTION I OR SECTION II**

**SECTION I. Fees: Open pit operators and those mining more than 5,000 tons of sand and/or gravel:**

1. To compute the site fee complete the information below:

SITE NAME OR NUMBER (add a separate sheet for additional sites)	Mark each month that the site will be operated during the permit year	For sites operated less than six months per permit year pay \$150 For sites operated six months or more per permit year pay \$300
1. <b>Sugar Creek</b>	Jan, Feb, Mar, Apr, May, Jun, Jul, Aug, Sep, Oct, Nov, Dec	\$
2.	Jan, Feb, Mar, Apr, May, Jun, Jul, Aug, Sep, Oct, Nov, Dec	\$
3.	Jan, Feb, Mar, Apr, May, Jun, Jul, Aug, Sep, Oct, Nov, Dec	\$
4.	Jan, Feb, Mar, Apr, May, Jun, Jul, Aug, Sep, Oct, Nov, Dec	\$
5.	Jan, Feb, Mar, Apr, May, Jun, Jul, Aug, Sep, Oct, Nov, Dec	\$
6.	Jan, Feb, Mar, Apr, May, Jun, Jul, Aug, Sep, Oct, Nov, Dec	\$
7.	Jan, Feb, Mar, Apr, May, Jun, Jul, Aug, Sep, Oct, Nov, Dec	\$
8.	Jan, Feb, Mar, Apr, May, Jun, Jul, Aug, Sep, Oct, Nov, Dec	\$
9.	Jan, Feb, Mar, Apr, May, Jun, Jul, Aug, Sep, Oct, Nov, Dec	\$
10.	Jan, Feb, Mar, Apr, May, Jun, Jul, Aug, Sep, Oct, Nov, Dec	\$
TOTAL SITE FEE		\$

2. Acreage Fee \$5 X \_\_\_\_\_ number of acres bonded .....\$

3. Annual Permit Fee.....\$ 500

4. Total Fee (Add totals from 1, 2 and 3).....\$

NOTE: If Total Fee exceeds \$2,500.00 then pay only .....\$ 2,500

**SECTION II. FEES: Sand or gravel operators mining less than 5,000 tons per year:**

1. Annual Permit Fee.....\$ 300 ✓

SIGNATURE OF APPLICANT <b>Harold Libbert</b>	TITLE <b>owner</b>	DATE <b>6.7.4</b>
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Appeared before me this **7th** day of **June**, 20**04**. **Harold Libbert**  
to me personally known, who executed the above as their free acts and deeds.

NOTARY PUBLIC EMBOSSEER SEAL	STATE OF <b>Missouri</b>	COUNTY (OR CITY OF ST. LOUIS) <b>OSAGE</b>
	SUBSCRIBED AND SWORN BEFORE ME, THIS <b>7th</b> DAY OF <b>June</b> YEAR <b>2004</b>	
	NOTARY PUBLIC SIGNATURE <b>Scott G. Juergensmeyer</b>	MY COMMISSION EXPIRES <b>3.25.05</b>
NOTARY PUBLIC NAME (TYPED OR PRINTED) <b>Scott G. Juergensmeyer</b>		USE RUBBER STAMP IN CLEAR AREA BELOW. <b>SCOTT G. JUERGENSMAYER</b> Notary Public - Notary Seal STATE OF MISSOURI County of Cole My Commission Expires Mar. 25, 2005

FOR DEPARTMENT USE ONLY: APPROVED BY <b>[Signature]</b>	DATE APPROVED <b>6-9-04</b>	PERMIT NUMBER <b>0714</b>	EXPIRATION DATE <b>6-3-05</b>
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MISSOURI DEPARTMENT OF NATURAL RESOURCES  
LAND RECLAMATION COMMISSION  
SITE INFORMATION FORM

To be completed for each separate area of disturbance associated with mining operations.		
SITE NAME OR NUMBER <i>Sugar Creek</i>		PERMIT NUMBER <i>0714</i> <i>TF 5,500</i>
COMPANY NAME <i>Harold Libbert</i>		
COUNTY <i>Osage</i>	1/4 SECTION	SECTION <i>8</i>
TOWNSHIP <i>Jackson (41)</i>	RANGE <i>11 West</i>	ACRES <i>1</i>
RIVER OR STREAM NAME (FOR IN-STREAM ACRES) <i>Sugar Creek</i>		
MINERAL COMMODITY <i>Sand &amp; Gravel</i>		ESTIMATED TONS/YEAR (FOR GRAVEL SITES) <i>less than 5000 ton/year</i>

NAME OF LANDOWNER (ATTACH LIST IF MORE THAN ONE) <i>Harold Libbert</i>		
ADDRESS <i>6 &amp; Linn</i>		
CITY <i>Meta</i>	STATE <i>Mo</i>	ZIP CODE <i>65058</i>
SOURCE OF RIGHT TO MINE (CHECK ONE): <input type="checkbox"/> MINERAL DEED <input checked="" type="checkbox"/> WARRANTY DEED <input type="checkbox"/> OTHER (DESCRIBE):		DATE OF AGREEMENT  <input type="checkbox"/> LEASE <input type="checkbox"/> VERBAL AGREEMENT

MINERAL RIGHTS OWNER (ATTACH LIST IF MORE THAN ONE) <i>Same as above</i>		
ADDRESS		
CITY	STATE	ZIP CODE
SOURCE OF RIGHT TO MINE (CHECK ONE): <input type="checkbox"/> MINERAL DEED <input type="checkbox"/> WARRANTY DEED <input type="checkbox"/> OTHER (DESCRIBE):		DATE OF AGREEMENT  <input type="checkbox"/> LEASE <input type="checkbox"/> VERBAL AGREEMENT

NOTE: Each site must be shown on a map and be included in a public notice and an approved mine plan.

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APR 23 1997



MISSOURI DEPARTMENT OF NATURAL RESOURCES  
LAND RECLAMATION COMMISSION

**STREAM PROTECTION PLAN - 10 CSR 40-10.020(2)(D)3**

(Required for in-stream sites, or as required by the Director)

TYPE OF PLAN  
(CHECK ONE):

☐ SHORT TERM, FOR ONE PERMIT YEAR  
☒ LONG TERM, FOR PERIOD THROUGH DATE:

12-31-2015

DESCRIPTION OF STREAM CONDITION PRIOR TO LAND RECLAMATION COMMISSION PERMITTING (BY APPLICANT OR PRIOR OPERATOR), INCLUDING BANK CONDITION, BANK VEGETATION AND WATER QUALITY.

The area to be mined involves a 1/2 mile stretch of Sugar Creek West of State Road 133 South. This section of the creek is bordered <sup>by</sup> a bluff & ball diamond. A narrow width of trees borders the other side of the creek. The banks are steep, but well vegetated. Water quality in creek is good to excellent.

DESCRIBE METHODS USED TO REDUCE DAMAGE TO STREAM BANKS, SUCH AS PROTECTING BANK VEGETATION, IF APPLICABLE.

Excavations between the stream banks will be managed such that water flow is not redirected toward the stream banks. Current is next to the bluff.

DESCRIBE METHODS USED TO REDUCE DAMAGE TO STREAM ENVIRONMENTS, SUCH AS KEEPING ACTIVE MINING OPERATIONS ON GRAVEL BARS, RATHER THAN IN FLOWING WATER, AND KEEPING HAUL ROADS AWAY FROM FLOWING WATER, IF APPLICABLE.

Gravel removal will be restricted to the exposed portions of gravel (gravel bars). We will shave the tops of the gravel bars to a depth no deeper than the normal water level. This will avoid causing erosion of the streambank & channel at the mining site & upstream. We will not be crossing creek - bluff on other side.

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APR 23 1997

DESCRIBE METHODS USED TO PROTECT WATER QUALITY, SUCH AS INSTALLING EROSION CONTROL DEVICES, IF APPLICABLE.

Gravel removal will be restricted to periods of low flow. A strip of gravel will be left between the excavation & the flowing portion of the stream.

conversation w/ Libbert  
on 5/2/97

By my signature, I attest to the following:

- 1) All statements made on this Mine Plan Form are correct, complete, and true, to the best of my knowledge.
- 2) I or the company I am authorized to represent intend(s) to mine in accordance with this Plan, and in accordance with the Missouri Land Reclamation Act, Sections 444.760 through 444.789, RSMo (Supp. 1990), and all rules, regulations, orders, decisions and permits of the Missouri Land Reclamation Commission pertaining to my company's surface mining operations.
- 3) I have a valid agreement with all landowners which gives me the right to grant access to the Director of the Missouri Land Reclamation Commission and his authorized representatives, and I grant such access, and further where I have no right to grant such access, I have attached signed affidavits from the landowners granting such access.

SIGNATURE OF APPLICANT	TITLE	DATE
<i>Harold Ribut</i>	<i>owner</i>	<i>4-14-97</i>

Appeared before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, \_\_\_\_\_ to me personally known, who executed the above as their free acts and deeds.

NOTARY PUBLIC EMBOSSEER SEAL	STATE OF <i>Missouri</i>	COUNTY (OR CITY OF ST. LOUIS)
	SUBSCRIBED AND SWORN BEFORE ME, THIS <i>14th</i> DAY OF <i>April</i> 19 <i>97</i>	
	NOTARY PUBLIC SIGNATURE <i>Janice Heckman</i>	MY COMMISSION EXPIRES <i>9-30-2000</i>
	NOTARY PUBLIC NAME (TYPED OR PRINTED) <i>JANICE HECKMAN</i>	

USE RUBBER STAMP IN CLEAR AREA BELOW.

APPROVED BY (DIRECTOR'S REPRESENTATIVE)	TITLE	DATE APPROVED
<i>Michael Libbert</i>	<i>LRSTII</i>	<i>7-28-97</i>

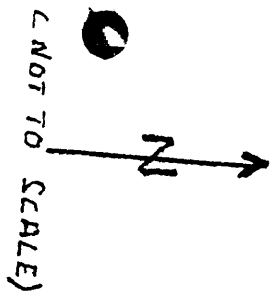
Attach the following documents to the Stream Protection Plan Form:

- A. Two copies of a map such that the mine can be located, and distinguished from other mines in the area.
- B. Two copies of a more detailed map, prepared on an original or clearly copied USGS 7-1/2 minute topographical map, county assessor map, A.S.C.S. aerial photo, up-to-date county plat, or a different base map with a scale of one inch to six hundred sixty feet (1" = 660') or larger.
  - 1. At minimum, the detailed map must show the following:
    - a. ownership boundaries, and names of owners of surface and subsurface rights to land within and contiguous to the permit area.
    - b. boundaries and acreage of each permitted site, and of the area to be affected over the term of the mine plan.
    - c. creeks or streams within the proposed permit area.
    - d. date of map preparation, preparer's name and title, north arrow, scale, and section, township and range lines.
  - 2. The following may be required for clarification:
    - a. abandoned surface mines.
    - b. locations of erosion and sediment control devices.
    - c. structures, and natural or cultural features to be protected.

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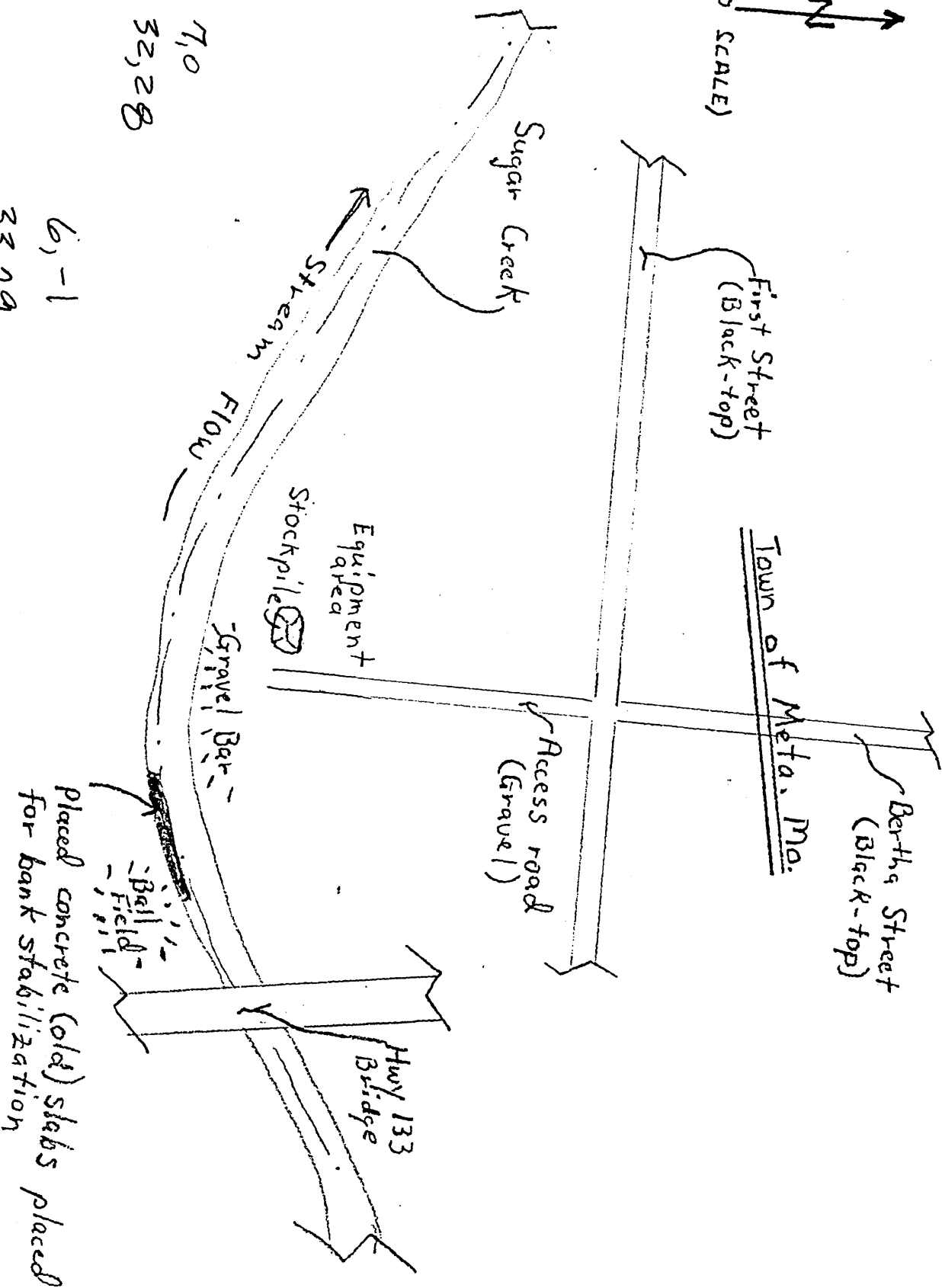
MISSOURI LAND  
RECLAMATION COMMISSION

Permit No. 0714 (Pending)  
 Sugar Creek Site  
 Section 8, T-41N, R-11W, DSAGE County  
 INSPECTION Date: 07/09/97  
 PREPARED BY: *Joan Hopkins*



7,0  
 32,28

6, -1  
 33,29



May 10, 1997

Department of Natural Resources  
Division of Environmental Quality  
P.O. Box 176  
Jefferson City, MO 65102-0176

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MAY 12 1997  
MISSOURI LAND  
RECLAMATION COMMISSION

Attn: Mohsen Dkhili

Dear Mr. Dkhili:

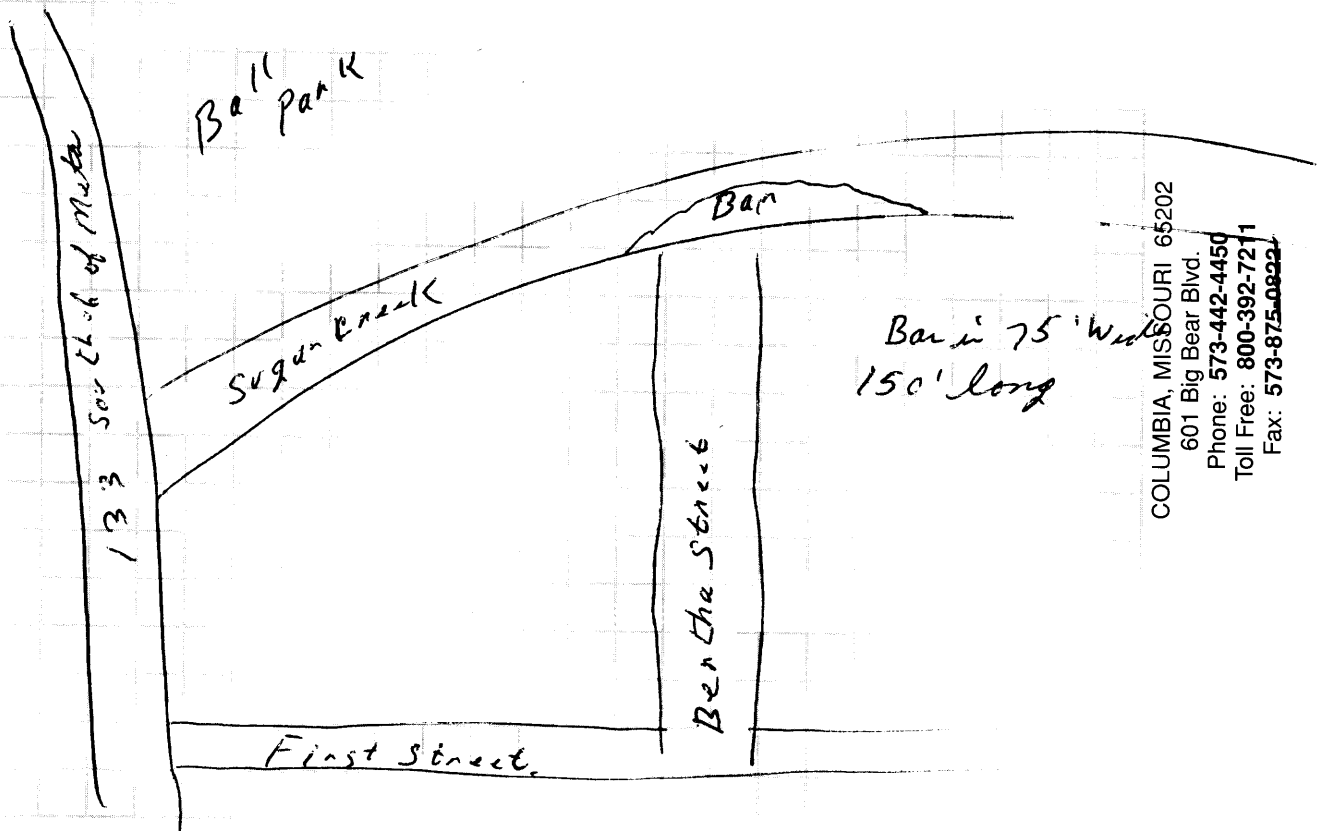
Enclosed is another drawn map for gravel access. I've already sent two copies of the map I got from Osage County.

If you need more detailed information, you will need to contact me and I will take you to the gravel bar and you can draw what you are looking for.

Sincerely,

HAROLD LIBBERT - META

SIDENER  
WATER, SEWER & INDUSTRIAL SUPPLIES  
DESIGNER  
APPLIES  
SATISFIED  
SERVICE



COLUMBIA, MISSOURI 65202  
601 Big Bear Blvd.  
Phone: 573-442-4450  
Toll Free: 800-392-7211  
Fax: 573-875-0822





REPLY TO  
ATTENTION OF:

## DEPARTMENT OF THE ARMY

KANSAS CITY DISTRICT, CORPS OF ENGINEERS  
700 FEDERAL BUILDING  
KANSAS CITY, MISSOURI 64106-2896

June 6, 1997

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JUN 17 1997

MISSOURI LAND  
RECLAMATION COMMISSION

Eastern Project Section  
(97-01619)  
(Osage, Sugar Creek, NPR)

Mr. Harold Libbert  
6th & Linn  
Meta, Missouri 65058

Dear Mr. Libbert:

This is in regard to your letter received April 28, 1997, requesting a Department of the Army (DA) permit determination concerning the excavation of gravel from Sugar Creek. Your request was prompted by a March 25, 1997, letter you had received from Mr. Larry Hopkins of the Missouri Department of Natural Resources. The excavation activities are located in Meta, Section 8, Township 41 north, Range 11 west, Osage County, Missouri.

In our June 6, 1997, telephone conversation, you reported that gravel was excavated, above the water level at the time of excavation, by a backhoe. Screening of the gravel was conducted onsite, adjacent to the creek, and no fines or oversized rock were returned to the creek.

As discussed, Section 404 of the Clean Water Act (33 USC 1344), which is administered under Federal regulations 33 CFR 320-330, provides the Corps of Engineers with regulatory jurisdiction over all waters of the United States. These provisions require prior authorization from the Corps of Engineers for the discharge of dredged or fill material in waters of the United States, including wetlands.

In 1993, the definition of discharge of dredged material was modified to include spillage resulting from excavation activities (Excavation Rule), such as gravel mining. In response, the Kansas City District developed the enclosed general permit MRKGP-34M to simplify the permitting of operations captured by the modified definition. The conditions in this general permit allow gravel mining while causing only minimal adverse impacts on the aquatic ecosystem. Gravel mining conducted too close to the banks damages the root system of the adjacent riparian vegetation and destabilizes the banks. Excavating pits below the general creek bed elevation promotes the formation of a headcut that

degrades the channel upstream and transports large volumes of material downstream. This action can undercut upstream structures and clog culverts downstream. The creek generally becomes shallower and wider as it attempts to reestablish the original grade.

On January 23, 1997, the U.S. District Court for the District of Columbia ruled that part of the "Excavation Rule", promulgated on August 25, 1993, exceeds the statutory authority of the Corps of Engineers and is invalid. Accordingly, excavation where the only discharge is incidental fallback of dredged material into the place it was excavated will not be regulated under Section 404 of the Clean Water Act at this time. However, the Department of Justice has appealed this decision and requested a stay pending the appeal. If a stay is granted, or if the "Excavation Rule" is upheld on appeal, excavation activities would be regulated under the 1993 regulations. In order to prevent the disruption of operations if a stay is granted or if the January 23, 1997, ruling is reversed, the Corps will process applications for excavation projects when specifically requested in writing.

Gravel mining activities using a bulldozer, or other equipment operated in a similar manner, to push gravel into piles or on the bank, or to clear gravel bars with established trees, were regulated prior to the 1993 Excavation Rule, and continue to be regulated. Also, any stockpiling in the creek, the redeposit of fines or oversized rock in the creek, or sloppy excavation projects that result in significant redeposit of excavated material, require prior Department of the Army authorization.

In accordance with the January 23, 1997, ruling, your excavation activity, as you described, does not currently require DA permit authorization. However, we have included a blank DA permit application for your use, should you wish to have a permit in place if the recent ruling is reversed or if a stay is granted. Other Federal, state or local permits may be required, and you should verify this yourself.

If you have any questions concerning permits, please feel free to write me or call me at 816-983-3664 (FAX 816-426-2321).

Sincerely,



Mark D. Frazier  
Regulatory Project Manager  
Regulatory Branch

Enclosures

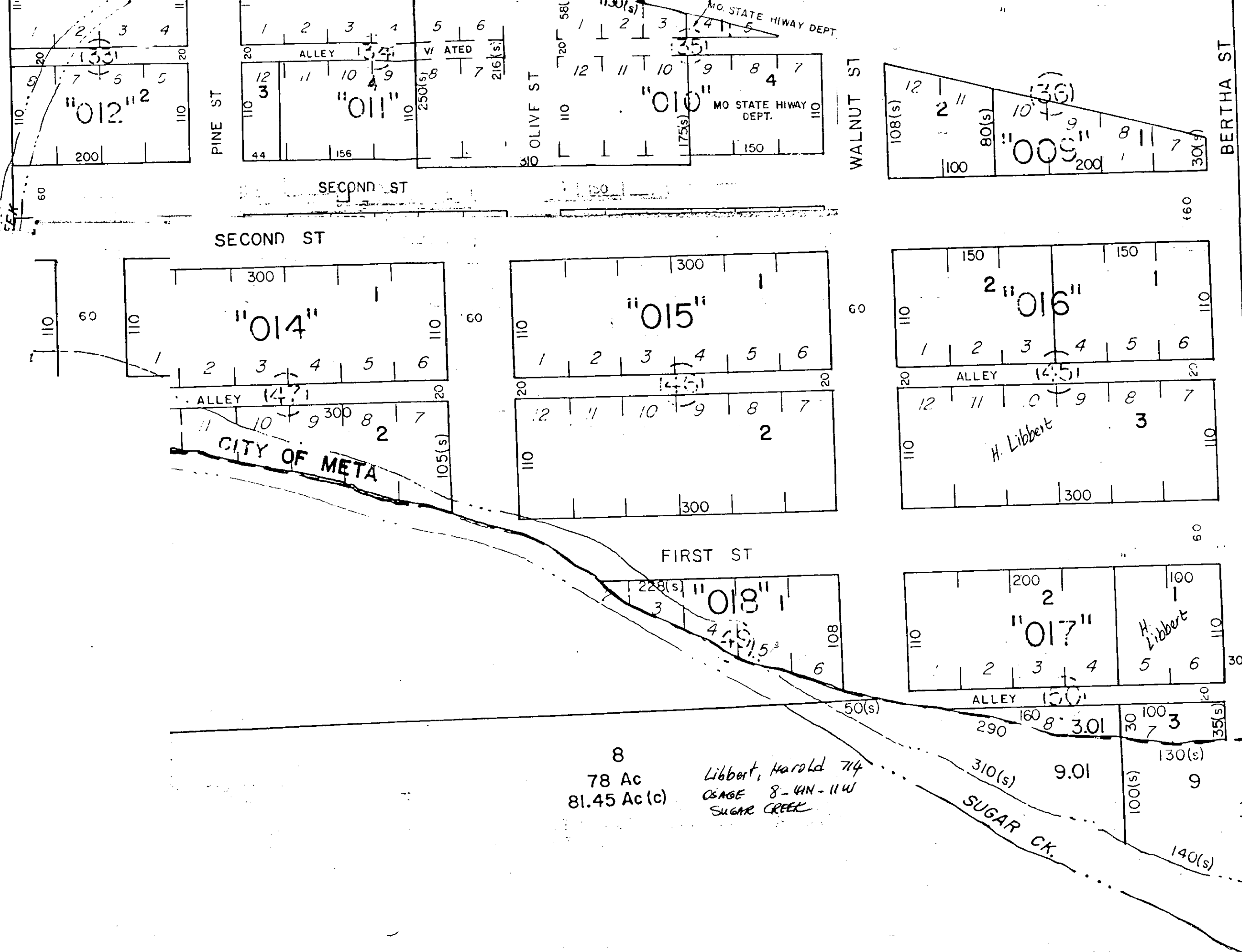
Copies Furnished:  
See attached list

Copies Furnished (wo/enclosures):

Environmental Protection Agency,  
Water Resources Protection Branch  
U.S. Fish and Wildlife Service  
Missouri Department of Natural Resources  
Water Pollution Control Program  
✓ Missouri Department of Natural Resources  
~~Missouri Reclamation Program~~  
Missouri Department of Conservation  
Planning Division

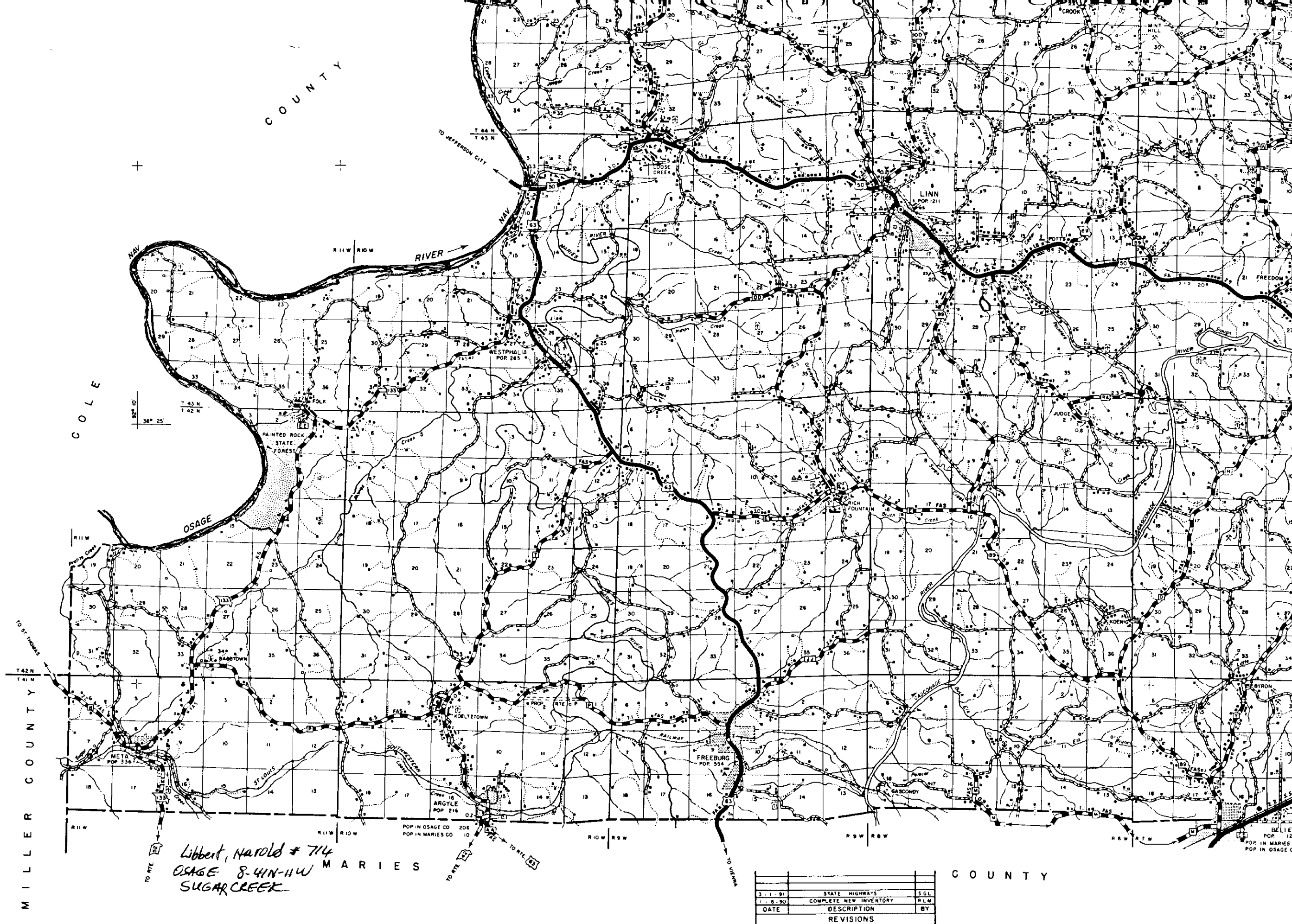
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MISSOURI LAND  
RECLAMATION COMMISSION



8  
78 Ac  
81.45 Ac (c)

Libbert, Harold 714  
AGE 8-4N-11W  
SUGAR CREEK



Libbert, Harold # 714  
OSAGE 8-41N-11W  
SUGAR CREEK

DATE	DESCRIPTION	BY
3-1-91	STATE HIGHWAYS	SGL
1-8-90	COMPLETE NEW INVENTORY	RLM
REVISIONS		